



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: James J. Crow  
Assignee: Motive, Inc.  
Title: SYSTEM OF AUTOMATED CONFIGURATION OF NETWORK  
SUBSCRIBERS FOR BROADBAND COMMUNICATION  
Application No.: 09/653,486 Filing Date: August 31, 2000  
Examiner: Uzma Alam Group Art Unit: 2157  
Docket No.: MTV0017US Confirmation No.: 4808

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Austin, Texas  
August 15, 2006

Mail Stop AF  
COMMISSIONER FOR PATENTS  
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Alexandria, VA 22313-1450

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Dear Sir:

Applicants hereby request review of the final rejection, mailed in the above-identified application. This Request is being filed concurrently with a Notice of Appeal. No amendments are being filed with this request.

This review is requested for the reasons set forth in the Remarks section, which begins on page 2 of this document.

REMARKS

The Examiner's Final Office Action dated March 28, 2006 rejects all pending claims. Specifically, the Final Office Action rejected claims 1-3, 7, 8, 9-13, 17-24 and 28-33 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,636,50 issued to Wang et al. ("Wang"). Dependent claims 4-6, 8, 14-16 and 25-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of U.S. Patent No. 6,684,242 issued to Bahlman et al. ("Bahlman"). Applicant submitted a Response to Final Office Action on June 19, 2006, which included arguments distinguishing the present claims over the cited references. An Advisory Action was mailed August 2, 2006 that maintains the final rejection. In light of the following remarks, Applicants respectfully request withdrawal of the rejection.

Independent claim 1 recites:

1. A method of converting a personal computer for communicating information on a broadband communication network, said personal computer having a user and a physical location, comprising:  
determining whether said physical location falls within a set of service boundaries for said broadband communication network;  
if said physical location falls within said service boundaries, electronically offering said user access to said broadband communication network;  
receiving from said user an electronic order accepting said offer;  
remotely qualifying said personal computer for said broadband communication network by determining whether said personal computer meets predetermined acceptance criteria for use of said broadband communication network; and  
fulfilling said order by  
initiating an automation agent on said personal computer to interact with the user and thereby configure a modem coupled to said personal computer for access to said broadband communication network, and  
automatically configuring an asset of said broadband communication network to communicate with said personal computer, wherein  
said automatically configuring said asset is performed by an automation server of said broadband communication network.

Independent claim 1 recites (1) initiating an automation agent on said personal computer to interact with the user and thereby configure a modem coupled to said personal computer for access to said broadband communication network, and (2) automatically configuring an asset of said broadband communication network, wherein said automatically configuring said asset is performed by an automation server of said broadband communication network. The Final Office Action asserts that column 5, line 20 – column 6, line 67 of Wang teaches claim 1's recitation (1) above. Column 5, line 20 – column 6, line 67 describes automatically provisioning a modem of a personal computer in response to a user requesting service. For the purposes of this paper only, Applicant will presume that column 5, line 20 – column 6, line 67 of Wang teaches claim 1's recitation of (1) initiating an automation agent on said personal computer to interact with the user and thereby configure a modem coupled to said personal computer for access to said broadband communication network.

The Advisory Action asserts that column 6, line 38 and column 6, lines 46-49 of Wang teaches claim 1's recitation of (2) identified above. Column 6, lines 38 – 56 of Wang teaches:

A preferred embodiment automates the service provisioning process, which is necessary to start a broadband service in xDSL environment. It "borrows" unused DMT subchannels for physical medium transmission after ATU-R entered the state of SHOWTIME successfully. Provisioning data is transmitted to ATU-R through HTML/TCP/IP/AAL5 stacks and use default VPI/VCI. After the usage, all DMT subchannels are then for user data only.

In accordance with a preferred embodiment of the present invention, an ILMI based automated service provisioning method is provided. The method will be described with reference to a user having an ADSL connection to the network service provider 30 which is preferred. However, this method may also be used in a xDSL or a HDSL environment. The interface, management flow, and transport between DSLAM 90, CPE 110, and network management system (not shown) are defined to support automated service provisioning of the subscribers CPE 110 when connected to the network.

This section of Wang is part of the overall section of Wang that is presumed to teach claim 1's recitation of (1) initiating an automation agent on said personal computer to interact with the user and thereby configure a modem coupled to said personal computer for access to said broadband communication network. Applicant notes the automated service provisioning method quoted above teaches transmitting provisioning data to the ATU-R, but ATU-R is a generic term for a remote version of DSL equipment, such as the ADSL modem in the personal computer (of CPE 110). *See* Wang, column 6, lines 8 and 9. Column 6, lines 38 – 56 of Wang does not teach transmitting provisioning data (whatever that is) to a device other than the ADSL modem of the computer.

Column 6, lines 38 – 56 of Wang teaches automated service provisioning of a modem in a personal computer system, not automated service provisioning of an asset of the broadband communication network, let alone automated service provisioning by an automation server as required by (2) above. Indeed, it appears Wang teaches away from automated service provisioning of an asset of the broadband communication network. *See*, e.g., Figure 2 of Wang, which indicates that an engineer (not an automation server) is responsible for manually configuring assets of network 60. At any rate, Column 6, lines 38 – 56 of Wang fails to teach or fairly suggest (2) automatically configuring an asset of said broadband communication network, wherein said automatically configuring said asset is performed by an automation server of said broadband communication network.

On pages 8 and 9 of the Final Office Action, the Examiner asserts the limitation of automatically configuring an asset of a broadband communication network does not further limit the invention; this asset can be any device on the network including the modem and the personal computer. However, this argument ignores the fact that claim 1 clearly distinguishes between a modem and a broadband asset. Specifically, claim 1 requires configuring (1) a modem, and (2) configuring an asset of said broadband communication network. Importantly, claim 1 recites configuring a modem *coupled* to said personal computer for access to the broadband communication network that contains the *asset*. In other words, the *modem* is configured to enable access to the broadband communication network that contains the *asset*. Claim 1 makes clear that the modem and the asset are separate entities since the asset is contained in the broadband communication network for which the modem is configured. Applicant responds that since the modem is configured for access to the broadband communication network that contains the asset, automatically

configuring the broadband asset does further limit the invention of claim 1.

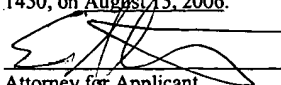
Lastly, the Final Office Action on page 9 asserts that the rejection is modified to include specific portions of the Wang reference which also teach the update of the MIB (management information base) of the ATM. While Wang may teach updating the MIB, the Final Office Action does not assert that the MIB in Wang is updated automatically by an automation server of said broadband communication network, either alone or in combination with the remaining limitations of independent claim 1. For these reasons, Applicant asserts that independent claim 1 is patentably distinguishable over the cited sections of Wang.

Independent claims 11, 30, 31, and 33 recite limitations similar to those described above. For example, independent claim 30 recites configuring an asset of a broadband communication network to communicate with a personal computer, wherein said asset is performed by an automation server of said broadband communication network. Because independent claims 11, 30, and 33 contain limitations similar to that argued above, Applicant submits that these independent claims are likewise patentably distinguishable over Wang.

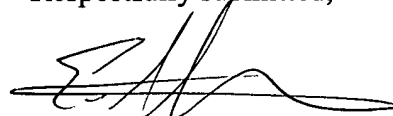
The remaining limitations depend from claims 1, 11, and 30. Insofar as these claims have been found to be patentably distinguishable, it follows that the dependent claims are likewise patentably distinguishable.

### CONCLUSION

Applicants assert that the application is in condition for allowance and respectfully request withdrawal of the final rejection of the claims.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop <u>AE</u> , Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia, 22313-1450, on <u>August 15, 2006</u> .	
 Attorney for Applicant	<u>8/15/06</u> Date of Signature

Respectfully submitted,



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